APPENDIX II.

[Vide item IV (2) on page 236 supra.]

L.C. BILL No. 7 of 1954.

(As passed by the Council.)

A Bill further to amend the Madras City Municipal Act, 1919.

WHEREAS it is expedient further to amend the Madras City Municipal Act, 1919 (Madras Act IV of 1919), for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Madras City Municipal (Amendment) Act, 1954.

2. *Amendment of section* 85, *Madras Act IV of* 1919.—In the proviso to sub-section (1) of section 85 of the Madras City Municipal Act, 1919 (Madras Act IV of 1919)—

(*a*) in clause (*b*)—

(i) after the words "the electrical engineer" a comma and the words "the water-works engineer" shall be inserted; and

(ii) the word "and" shall be inserted after the semicolon at the end;

(*b*) clause (*c*) and the word "and" shall be omitted and clause (*d*) shall be re-lettered as clause (*c*).

APPENDIX III.

(Vide item IV (3) on page 243 supra.]

L.C. BILL No. 5 of 1954.

(As passed by the Council.)

A Bill to provide for the registration of Hindu non-conforming marriages.

WHEREAS marriages have in some cases been solemnized among Hindus without the performance of religious or customary rites or ceremonies and otherwise than in accordance with forms prescribed by statute;

AND WHEREAS Courts have refused to recognize such marriages as valid although the intention of all the parties concerned was to bring into being a valid married status;

7th May 1954].

AND WHEREAS it is necessary to provide the parties to such marriages with the means of rendering such marriages valid and the children legitmate;

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Hindu Non-conforming Marriages (Registration) Act, 1954.

(2) It extends to the whole of the State of Madras.

(3) It shall come into force at once.

2. *Definitions.*—In this Act, unless the context otherwise requires—

(*a*) " non-conforming marriage " means a function held before the commencement of this Act at which a Hindu man and a Hindu woman went through a form of marriage which was not a form prescribed by Hindu law or religion or sanctioned by usage or custom or authorized by status, but by which the parties concerned intended to become lawfully wedded husband and wife with the rights and obligations attached to and consequent on the status of lawfully wedded husband and wife; and the expression " parties to a non-conforming marriage " refers to the man and the woman so married;

(*b*) 'prescribed' means prescribed by rules made under this Act;

(*c*) 'registered marriage' means a non-conforming marriage a record of which has been made in accordance with section 4 in a register of non-conforming marriages;

(*d*) 'statute' means a law passed or made by a Legislature or other competent authority in India and in force in the State of Madras.

3. *Application for registration.*—(1) The parties to a non-conforming marriage, or if one of the parties to a non-conforming marriage be dead, the surviving party, or if both the parties to a non-conforming marriage be dead, a son or a daughter of the parties if such son or daughter has attained majority, may apply to the Tahsildar of the taluk, or, in the City of Madras, to the Tahsildar of the range, in which the said marriage was solemnized that the said marriage be registered.

(2) An application under this section shall, if by the parties or by the surviving party, be made within two years from the commencement of this Act and, if by a son or a daughter of the parties, be made within two years from the commencement of this Act or within two years of the applicant attaining majority, whichever is later.

4. *Registration of non-conforming marriages.*—On receiving an application under section 3, the Tahsildar shall send notice to the applicants or the applicant to appear on a specified date at the

[7th May 1954

taluk office with two respectable witnesses who may either be persons who were present at the time the non-conforming marriage referred to in the application was solemnized or persons who, on personal knowledge extending to not less than ten years, could declare that the parties to such marriage were living, and were regarded, as husband and wife. On that date or on such other date as may be fixed by the Tahsildar, the applicants or applicant and the witnesses shall appear at the taluk office and shall sign declarations in the prescribed form. The Tahsildar shall, in the presence of the applicants or applicant and the witnesses, enter particulars of the non-conforming marriage in the register of non-conforming marriages to be maintained by him; and the applicants or applicant and the witnesses shall sign the statement of particulars entered in the register. The Tahsildar shall affix his signature and the seal of his office to the said record of the non-conforming marriage.

5. *Effect of registration.*—The validity of a registered marriage or the legitimacy of the children born of the union, whether born before or after the registration of the said marriage, shall not be called in question on the ground that the form in which the said marriage was solemnized was not a form prescribed by Hindu law or religion or sanctioned by usage or custom or authorized by statute or on any other ground relating to the performance of rites or ceremonies or the observance of forms.

6. *Register of non-conforming marriages to be open to inspection.*—The register of non-conforming marriages maintained under section 4 shall, at all reasonable times, be open to inspection by members of the public who shall, on payment of the prescribed fee, be entitled to obtain certified extracts therefrom.

7. *Penalty.*—(1) Any person who, in an application under section 3 or in a declaration under section 4, makes any statement which is, or which he has reason to believe to be, false or which he does not believe to be true shall be punished with inprisonment of either description for a term which may extend to three years, or with fine, or with both.

(2) No Court shall take cognizance of an offence punishable under this section except on a report in writing of the facts which constitute the offence made either by the Tahsildar who received the application or before whom the declaration was made or by an officer of Police of gazetted rank.

8. *Revision.*—The State Government or any officer generally or particularly authorized thereunto may call for the record of any proceeding under this Act with a view to examine the regularity, legality or propriety of such proceeding and pass in relation thereto such order as may be deemed proper or necessary.

9 *Power to make rules.*—(1) The State Government may make rules to carry out the purposes of this Act.

7th May 1954]

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the form of applications under section 3 and of declarations under section 4;

(*b*) the maintenance by the Tahsildar of a register of applications received and the form in which the register shall be maintained;

(*c*) the form in which the register of non-conforming marriages shall be maintained;

(*d*) the manner in which notices under section 4 shall be served;

(*e*) the fee to be paid on applications under section 3 or 6.

(3) All rules made under this section shall be published in the *Fort St. George Gazette*, and shall, on such publication, have effect as if enacted in this Act.

K. P. KUTTIKRISHNAN NAIR,
Minister for Law.

TAMIL NADU LEGISLATIVE ASSEMBLY
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